

13DV-14119
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elizabeth Anne Earley, et al. :
 : Art Unit: 2166
 Serial No.: 10/072,391 :
 : Examiner: Woo, Isaac M.
 Filed: February 5, 2002 :
 :
 For: DIGITAL COCKPIT :

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FEB 25 2009
OFFICE OF PETITIONS

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
 FAILURE TO RECIEVE NOTICE OF ALLOWANCE**

Mail Stop: Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Applicants hereby petition to withdraw the holding of abandonment in the above-referenced Utility Patent Application for failure to receive a Notice of Allowance. Specifically, our office did not receive the Notice of Allowance mailed by the U.S. Patent and Trademark Office ("PTO") to Applicants on October 14, 2008. Applicants' first notification that the PTO had mailed the Notice of Allowance was the receipt of the Notice of Abandonment, dated February 10, 2009, for failing to timely pay the issue fee. The following authorization and statements are provided in support of this Petition, Applicants state:

1. A search of the file jacket and the docket records in the attorney's office indicates that this Notice of Allowance was not received. Attached, is an affidavit by the undersigned, Robert B. Reeser, III, attorney with Armstrong Teasdale LLP, attesting that upon examination of the application's file jacket and docket records, Applicants' file indicates the last correspondence received from the PTO is the Advisory Action dated August 27, 2008, which was received and docketed by

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Applicants on September 2, 2008, and does not include the Notice of Allowance, dated October 14, 2008.

2. This Petition is being filed within (2) months of the Applicants' first notification of abandonment.
3. Enclosed is a copy of a printout of the docket record where the non-received Notice of Allowance would have been entered had it been received and docketed. Applicants' understanding is that the PTO's records show that the Notice of Allowance was mailed on October 14, 2008. With a mailing date of October 14, 2008, the issue fee would have been due January 14, 2009. The enclosed docket records do not show such an action due in the present application, which has an internal reference number of 12729-188. The last entry on the enclosed docket is the filing of the request for continued examination filed on September 8, 2008.
4. Additionally, in anticipation that the Applicants' Petition will be granted, Applicants submit herewith:
 - a) authorization to charge the issue fee and publication fee is set forth below in Paragraph (5); and
 - b) authorization to charge the petition fee (37 C.F.R. 1.17(l)) is set forth below in Paragraph (5).
5. Fees:

a.	Payment of the issue fee required	\$ 1,510.00
b.	Payment of the publication fee	\$ 300.00
c.	Petition Fee (37 C.F.R. 1.17(l))	\$ 540.00
	TOTAL FEES DUE:	\$ 2,350.00

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d. The Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$2,350.00, any deficiencies in the enclosed fees, or credit any overpayment, to Deposit Account No. 01-2384. (A duplicate of this petition is enclosed.)

Applicants respectfully submit that Applicants' file jacket and docket report are evidence in support of the Applicants' declaration that the Notice of Allowance was never received. Therefore, Applicants respectfully request that the holding of abandonment for failure to pay the issue fee be withdrawn.

For the reasons set forth above, Applicants respectfully request that the holding of abandonment be withdrawn, or in the alternative, that the subject application be revived.

Respectfully submitted,



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